

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

SONIA R. HAMMOCK,	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION NO.
	§	
v.	§	07-CV-00896-WHA-TFM
	§	
NELL E. LAMB and TODD SWING,	§	
	§	
Defendants.	§	

**EVIDENTIARY SUBMISSION IN SUPPORT OF  
PLAINTIFF'S MOTION TO REMAND**

COMES NOW the Plaintiff, Sonia R. Hammock, and offers the following evidentiary submission in support of her motion to remand:

EXHIBIT 1	Complaint
EXHIBIT 2	Alabama Uniform Traffic Accident Report
EXHIBIT 3	Notice of Removal
EXHIBIT 4	Affidavit of Toby Horne

/s/ Tedford Taylor  
TEDFORD TAYLOR

Attorney for Plaintiff

OF COUNSEL:

TAYLOR & TAYLOR  
2130 Highland Avenue  
Birmingham, Alabama 35205  
(205) 558-2800 (phone)  
[tedford@taylorlawyers.com](mailto:tedford@taylorlawyers.com) (e-mail)

**CERTIFICATE OF SERVICE**

I hereby certify that I have electronically filed this Notice of Appearance so that service will be sent by the ECMF System via electronic mail to counsel of record on this the 25<sup>th</sup> day of October, 2007:

Larry R. Bradford, Esq.  
[lbradford@bradfordsears.com](mailto:lbradford@bradfordsears.com)

/s/ Tedford Taylor  
TEDFORD TAYLOR

IN THE CIRCUIT COURT OF LOWNDES COUNTY, ALABAMA

SONIA R. HAMMOCK,

Plaintiff,

vs.

CIVIL ACTION NO: \_\_\_\_\_

NELL E. LAMB, an individual;  
TODD SWING, an individual;  
DEFENDANTS A, B and C,  
whether singular or plural,  
that person, firm or  
corporation owning the vehicle)  
being driven by NELL E. LAMB,  
on the occasion made the basis)  
of this suit; FICTITIOUS  
DEFENDANTS D, E and F, whether)  
singular or plural, that  
person, firm or corporation  
on whose behalf the vehicle  
was being driven by NELL E.  
LAMB on the occasion made  
the basis of this lawsuit;  
FICTITIOUS DEFENDANTS G, H  
and I, whether singular or  
plural, that person, firm  
or corporation who or which  
insured the Plaintiff under  
a policy of uninsured and/or  
underinsured motorist coverage)  
on the occasions made the  
basis of this lawsuit;  
FICTITIOUS DEFENDANTS J, K  
and L, whether singular or  
plural, that person, firm or  
corporation who or which  
negligently entrusted the  
vehicle to NELL E. LAMB on  
the occasion made the basis  
of this lawsuit; FICTITIOUS  
DEFENDANTS M, N and O,  
whether singular or plural,  
that person who is the  
true and correct name of the  
Defendants known as NELL E.  
LAMB, TODD SWING and/or

FICTITIOUS DEFENDANTS P, Q )  
 and R, whether singular or )  
 plural, that person, firm or )  
 corporation who or which sold, )  
 provided, served or otherwise )  
 dispensed alcoholic beverages )  
 to Defendant NELL E. LAMB )  
 prior to the collision made )  
 the basis of this lawsuit; )  
 FICTITIOUS DEFENDANTS S, T )  
 and U, whether singular or )  
 plural, that person, firm or )  
 corporation whose negligence, )  
 wantonness, willfulness and/or )  
 otherwise wrongful conduct )  
 caused the collision made the )  
 basis of this lawsuit, )  
 )  
 Defendants. )

# COMPLAINT

1. Plaintiff, SONIA R. HAMMOCK (hereinafter "Plaintiff" or "HAMMOCK"), is an adult resident citizen of Elmore County, Alabama.

2. Defendant NELL E. LAMB (hereinafter "LAMB") is an adult and at all times relevant to the Complaint was a resident of Lowndes County, Alabama.

3. Defendant TODD SWING (hereinafter "SWING") is an adult and at all times relevant to the Complaint was a resident of Lowndes County, Alabama.

4. FICTITIOUS DEFENDANTS A, B, and C, whether singular or plural, is that person, firm or corporation owning the vehicle being driven by NELL E. LAMB on the occasion made the basis of this suit; FICTITIOUS DEFENDANTS D, E and , whether singular or plural, is that person, firm or corporation in whose behalf the vehicle was

being driven by NELL E. LAMB on the occasion made the basis of this lawsuit; FICTITIOUS DEFENDANTS G, H and I, whether singular or plural, is that person, firm or corporation who or which insured the Plaintiff under a policy of uninsured and/or undersinsured motorist coverage on the occasion made the basis of this lawsuit; FICTITIOUS DEFENDANTS J, K and L, whether singular or plural, is that person, firm or corporation who or which negligently entrusted the vehicle to NELL E. LAMB on the occasion made the basis of this lawsuit; FICTITIOUS DEFENDANTS M, N and O, whether singular or plural, is that person, firm or corporation who or which is the true and correct name of the Defendants herein known as NELL E. LAMB, TODD SWING and/or FICTITIOUS DEFENDANTS; FICTITIOUS DEFENDANTS P, Q and R, whether singular or plural, is that person, firm or corporation who or which sold, provided, served or otherwise dispensed alcoholic beverages to Defendant NELL E. LAMB prior to the incident made the basis of this lawsuit; FICTITIOUS DEFENDANTS S, T and U, whether singular or plural, is that person, firm or corporation whose negligence, wantonness, willfulness and/or otherwise wrongful conduct caused the collision made the basis of this lawsuit. The aforesaid wrongful conduct of said FICTITIOUS DEFENDANTS proximately caused damage to Plaintiff as set forth herein. The identities of the FICTITIOUS DEFENDANTS are otherwise unknown to Plaintiff at this time, or if their names are known to Plaintiff at this time, their identities as proper party

Defendants are not known to Plaintiff at this time, but their true names will be substituted by amendment when ascertained.

**COUNT ONE**

1. On or about November 23, 2005, on U.S. Highway 231, near Tutwiler Prison, on the outskirts of Wetumpka, Elmore County, Alabama, Defendant NELL E. LAMB negligently and/or wantonly caused or allowed the motor vehicle she was operating to collide with the motor vehicle being driven by the Plaintiff.

2. Defendant TODD SWING, and/or FICTITIOUS DEFENDANTS entrusted to Defendant NELL E. LAMB the vehicle being operated by NELL E. LAMB at the time of the collision made the basis of this lawsuit.

3. As a proximate consequence of the negligence and/or wantonness of Defendant(s), Plaintiff was caused to suffer, among other things, the following injuries and damages: she was injured in and about her body, including but not limited to, injury to her shoulder and rotator cuff requiring surgery and painful physical therapy; she incurred medical bills; and, she has suffered physical pain and suffering, mental anguish and emotional distress and other damages, losses and impairments. Some or all of said damages and losses are permanent in nature or are otherwise expected to continue in the future.

WHEREFORE, Plaintiff demands judgment including compensatory and punitive damages against Defendants NELL E. LAMB, TODD SWING

and/or FICTITIOUS DEFENDANTS, in an amount exceeding the jurisdictional minimum of this Court, plus interest and costs.

**COUNT TWO**

1. Plaintiff realleges the allegations contained in each and every Count of this Complaint.

2. Plaintiff claims damages against Defendant SWING and/or FICTITIOUS DEFENDANTS for negligently entrusting the motor vehicle to Defendant NELL E. LAMB, on November 23, 2005, the date of the collision made the basis of this lawsuit.


3. Plaintiff avers that on November 23, 2005, on U.S. Highway 231, near Tutwiler Prison, on the outskirts of Wetumpka, Elmore County, Alabama, as proximate result of the aforementioned negligent entrustment, Defendant LAMB was in possession and control of Defendant SWING'S and/or FICTITIOUS DEFENDANTS' motor vehicle when she pulled out in front of Plaintiff.

4. Plaintiff avers that Defendant LAMB was incompetent and/or reckless in the operation of the motor vehicle; and Defendant LAMB so negligently and/or wantonly operated the negligently entrusted motor vehicle that she caused said vehicle to collide with the motor vehicle being operated by Plaintiff.

5. Defendant SWING knew, or should have known, of Defendant LAMB'S incompetency, inexperience, and/or recklessness, at all times relevant to the underlying circumstances of this lawsuit, which created an appreciable risk of harm.

6. As a proximate cause of the negligence and/or wantonness of Defendant LAMB, combined with the negligent entrustment of the vehicle, Plaintiff was caused to suffer injuries and damages as previously set forth herein.

WHEREFORE, Plaintiff demands judgment against Defendants, including FICTITIOUS DEFENDANTS, in an amount exceeding the jurisdictional minimum of this Court, plus interest and costs.

  
TEDFORD TAYLOR (TAY001)  
Attorney for Plaintiff

OF COUNSEL

TAYLOR & TAYLOR  
2130 Highland Avenue  
Birmingham, AL 35205  
(205) 558-2800 - telephone  
(205) 558-2860 - facsimile

**Plaintiff demands a trial by struck jury.**

  
TEDFORD TAYLOR

DEFENDANTS' ADDRESSES

NELL E. LAMB  
Post Office Box 61  
Lowndesboro, Alabama 36752-0061

TODD SWING  
Post Office Box 61  
Lowndesboro, Alabama 36752-0061



AST-27  
REV. 1/81

JAN 19 2005

MAR 16 2005

## ALABAMA UNIFORM TRAFFIC ACCIDENT REPORT

EE41400

DPS  
Accident No.

Shaded Areas To Be Used By Data Processing Only

Sheet 1 of 2 (Sheet)

Microfilm No.

Local Case No. 051101181

Date: 11/23/2005 Time: 7:25 PM Day of Week: M T W T F S S County: Wetumpka City: Wetumpka		Highway Classification: ( ) Interstate ( ) State ( ) Municipal ( ) Private Prop. ( ) Other		Local Zone	
On Street, Road or Highway: U.S. 231		Interchange or Between (Node 1): AL 9		And (Node 2): City Limits	
Street or Road Code: 5021		Node Code: 380		From (Node 1): 000.15	
Intersection Related: 1. Node 1 2. Node 2		Control Access: 1. Main Rd 2. Interchange 3. Exit Ramp 4. Entrance Ramp 5. N/A		Prime Contr. Unit No: 21	
First Harmful Event: 20		Event Location: 1		Distance to Fixed Object: N/A	
Driver Full Name: Nell E. Lamb		Street Address: 112 Sullivan Hill Hwy		City and State: Lowndesboro, AL	
DOB: 01/17/1961		Race: W FVA		DL State: T66300358	
Month: 01		Day: 17		Year: 1961	
Place of Employment: Tutweiler Prison		Liability Insurance Co.: Progressive		Social Security No.	
Driver's License: 01/17/1961		DL Class: N		DL Status: LA	
List Restrictions: Not Compiled With		CDL Status: N		List Endorsements: Not Compiled With	
Residence Less Than 25 Miles: Yes		Refused Test: N/A		Test Results: N/A	
Maneuver: 17		Travel Direction: U.S. 231		Road Code: 5021	
Vehicle Year: 2002		Make: Saturn		Model: SL2	
Body: 4		V.I.N.: 1G8ZJ52782Z304147		License Tag Number: 45A861N	
State: AL		Year: 06		ZIP: 36752	
Owner's Name: Todd Swing		Street or R.F.D.: Same As driver		City: Wetumpka	
Type: 1. Auto		Usage: 1. Personal		Hazardous Cargo: 1. None	
2. Station Wagon		2. Driver Trng.		2. Explosive	
3. Pick Up		3. Construction		3. Gas	
4. Van		4. Ambulance/Paramedical		4. Flammable/Combust. Liq.	
5. Truck Tractor		5. Military		5. Flammable Solids	
6. Other Truck		6. Taxi		6. Oxidizer/Peroxide	
7. Comm. Bus		7. Transport Prop.		7. Poison	
8. School Bus		8. Agriculture		8. Radioactive Mat.	
9. Other Bus		9. Wracker/Tow		9. Corrosive Material	
10. Motorcycle		10. Other		9B. Other	
Speed Limit: 55 MPH		Est. Speed: 99 MPH		Citation Offense Charged: None	
Damage Severity: 1. None Visible		2. Not Disabled		Vehicle Towed Away? No	
Vehicle Towed By Whom: Haynes Wrecker		To Where: Wetumpka, AL		Occupants in Unit: 1	
Driver/Pedestrian Full Name: Sonia R. Hammock		Street Address: 7095 Weaka Rd.		City and State: Wetumpka, AL	
DOB: 03/19/1985		Race: W F AL		DL State: 7211057	
Month: 03		Day: 19		Year: 1985	
Place of Employment: Hoyt Henley Builders		Liability Insurance Co.: Thompson Ins.		Social Security No.	
Driver's License: 03/19/1985		DL Class: D		DL Status: C	
List Restrictions: Not Compiled With		CDL Status: N		List Endorsements: Not Compiled With	
Residence Less Than 25 Miles: Yes		Refused Test: N/A		Test Results: N/A	
Maneuver/Action: 01		Travel Direction: U.S. 231		Road Code: 5021	
Vehicle Year: 2000		Make: Ford		Model: Must	
Body: 2		V.I.N.: 1FAFP4441YF184034		License Tag Number: 24B444L	
State: AL		Year: 06		ZIP: 36078	
Owner's Name: Phillip Hammock		Street or R.F.D.: 1626 Neman Rd		City: Talladega	
Type: 1. Auto		Usage: 1. Personal		Hazardous Cargo: 1. None	
2. Station Wagon		2. Driver Trng.		2. Explosive	
3. Pick Up		3. Construction		3. Gas	
4. Van		4. Ambulance/Paramedical		4. Flammable/Combust. Liq.	
5. Truck Tractor		5. Military		5. Flammable Solids	
6. Other Truck		6. Taxi		6. Oxidizer/Peroxide	
7. Comm. Bus		7. Transport Prop.		7. Poison	
8. School Bus		8. Agriculture		8. Radioactive Mat.	
9. Other Bus		9. Wracker/Tow		9. Corrosive Material	
10. Motorcycle		10. Other		9B. Other	
Speed Limit: 55 MPH		Est. Speed: 35 MPH		Citation Offense Charged: None	
Damage Severity: 1. None Visible		2. Not Disabled		Vehicle Towed Away? No	
Vehicle Towed By Whom: Jones Wrecker		To Where: Montgomery, AL		Occupants in Unit: 1	

EXHIBIT 2

<b>SEATING</b>	Other Involved Unit (Circle One)		Other Involved Unit (Circle One)		Other Involved Unit (Circle One)		Other Involved Unit (Circle One)		Other Involved Unit (Circle One)		Other Involved Unit (Circle One)		<b>CODES</b>																																																																																																																														
	12 - Pedestrian 13 - Rider of Domestic Animal 14 - Occ. of Non-Motorized Vehicle 15 - Victim of Other Circumstances/ Codes Not Applicable		12 - Pedestrian 13 - Rider of Domestic Animal 14 - Occ. of Non-Motorized Vehicle 15 - Victim of Other Circumstances/ Codes Not Applicable		12 - Pedestrian 13 - Rider of Domestic Animal 14 - Occ. of Non-Motorized Vehicle 15 - Victim of Other Circumstances/ Codes Not Applicable		12 - Pedestrian 13 - Rider of Domestic Animal 14 - Occ. of Non-Motorized Vehicle 15 - Victim of Other Circumstances/ Codes Not Applicable		12 - Pedestrian 13 - Rider of Domestic Animal 14 - Occ. of Non-Motorized Vehicle 15 - Victim of Other Circumstances/ Codes Not Applicable		12 - Pedestrian 13 - Rider of Domestic Animal 14 - Occ. of Non-Motorized Vehicle 15 - Victim of Other Circumstances/ Codes Not Applicable																																																																																																																																
<b>VICTIMS</b>	Name _____ Address _____											<b>SAFETY EQUIPMENT</b>																																																																																																																															
	Taken To _____ Taken By _____																																																																																																																																										
<b>N/A</b>	Name _____ Address _____											<b>SAFETY EQUIPMENT</b>																																																																																																																															
	Taken To _____ Taken By _____																																																																																																																																										
<b>CODES</b>	Injury Type _____											<b>SAFETY EQUIPMENT</b>																																																																																																																															
	X - Killed    B - Bruise/Abrasion/Swelling    A - Visible or Carried from Scene    C - Not Visible—Has Pain/Faint    N - Not Ejected    U - Unknown    P - Partially Trapped    A - Not Applicable    A - Ambulance Attended    D - Doctor    First Aid By _____ M - Paramedic    O - Other    P - Police    U - Unknown    N - None																																																																																																																																										
<b>NARRATIVE AND DIAGRAM</b>	See page 2																																																																																																																																										
	Unit one had exited Tutweiler Prison attempting to go south on U.S. 231 pulled out in front of Unit two who was traveling south on U.S. 231. Driver of Unit one stated she did not see Unit two																																																																																																																																										
<b>ROADWAY ENVIRONMENT</b>	For Each Roadway Environment Field, Circle One Entry for Each Involved Unit:																																																																																																																																										
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>Unit 1</td> <td>Contributing Road Defects</td> <td>Surface Construction</td> <td>Condition</td> <td>Accident In Or Related To Road Construction Zone?</td> <td>Material In Roadway (Contributing)</td> <td>Material Source</td> <td>Character</td> </tr> <tr> <td>1</td> <td>1 - Shoulders Low 2 - Shoulders High 3 - Holes, Bumps, Etc. 8 - Other</td> <td>1 - Asphalt 2 - Concrete 3 - Brick 4 - Unpaved 8 - Other</td> <td>1 - Dry 2 - Wet 3 - Ice 4 - Snowy/Slushy 5 - Muddy 8 - Other</td> <td>Yes No</td> <td>1 - None 2 - Rocks 3 - Trees/Limbs 4 - Dirt 5 - Gravel 6 - Oil/Petrol 8 - Other</td> <td>1 - Not Applicable 2 - Natural Environment 3 - Dropped From Vehicle 4 - Already in Road, But Fell From Vehicle 8 - Other 9 - Unknown</td> <td>1 - 1 - Straight—Level 2 - 2 - Straight—Down Grade 3 - 3 - Straight—Up Grade 4 - 4 - Straight—Hillcrest 5 - 5 - Curve—Level 6 - 6 - Curve—Down Grade 7 - 7 - Curve—Up Grade 8 - 8 - Curve—Hillcrest</td> </tr> </table>												Unit 1	Contributing Road Defects	Surface Construction	Condition	Accident In Or Related To Road Construction Zone?	Material In Roadway (Contributing)	Material Source	Character	1	1 - Shoulders Low 2 - Shoulders High 3 - Holes, Bumps, Etc. 8 - Other	1 - Asphalt 2 - Concrete 3 - Brick 4 - Unpaved 8 - Other	1 - Dry 2 - Wet 3 - Ice 4 - Snowy/Slushy 5 - Muddy 8 - Other	Yes No	1 - None 2 - Rocks 3 - Trees/Limbs 4 - Dirt 5 - Gravel 6 - Oil/Petrol 8 - Other	1 - Not Applicable 2 - Natural Environment 3 - Dropped From Vehicle 4 - Already in Road, But Fell From Vehicle 8 - Other 9 - Unknown	1 - 1 - Straight—Level 2 - 2 - Straight—Down Grade 3 - 3 - Straight—Up Grade 4 - 4 - Straight—Hillcrest 5 - 5 - Curve—Level 6 - 6 - Curve—Down Grade 7 - 7 - Curve—Up Grade 8 - 8 - Curve—Hillcrest																																																																																																															
Unit 1	Contributing Road Defects	Surface Construction	Condition	Accident In Or Related To Road Construction Zone?	Material In Roadway (Contributing)	Material Source	Character																																																																																																																																				
1	1 - Shoulders Low 2 - Shoulders High 3 - Holes, Bumps, Etc. 8 - Other	1 - Asphalt 2 - Concrete 3 - Brick 4 - Unpaved 8 - Other	1 - Dry 2 - Wet 3 - Ice 4 - Snowy/Slushy 5 - Muddy 8 - Other	Yes No	1 - None 2 - Rocks 3 - Trees/Limbs 4 - Dirt 5 - Gravel 6 - Oil/Petrol 8 - Other	1 - Not Applicable 2 - Natural Environment 3 - Dropped From Vehicle 4 - Already in Road, But Fell From Vehicle 8 - Other 9 - Unknown	1 - 1 - Straight—Level 2 - 2 - Straight—Down Grade 3 - 3 - Straight—Up Grade 4 - 4 - Straight—Hillcrest 5 - 5 - Curve—Level 6 - 6 - Curve—Down Grade 7 - 7 - Curve—Up Grade 8 - 8 - Curve—Hillcrest																																																																																																																																				
<b>INVESTIGATION</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="4">Victim Obscured By:</td> <td colspan="4">Traffic Control</td> <td colspan="4">Opposing Lanes Separated By:</td> <td colspan="4">Trafficway Lanes</td> </tr> <tr> <td colspan="4"> 1 - 1 - Buildings 2 - 2 - Signboard 3 - 3 - Trees, Crops, Bushes 4 - 4 - Blowing Snow/Sand 5 - 5 - Hillcrest 6 - 6 - Curve in Road 7 - 7 - Fog 8 - 8 - Parked Vehicle 9 - 9 - Moving Vehicle(s) </td> <td colspan="4"> 1 - 1 - Police Officer 2 - 2 - R.R. Crossing Gates 3 - 3 - R.R. Flashing Lights 4 - 4 - R.R. Cross Bunk/Pave. Mark 5 - 5 - Pedestrian Control 6 - 6 - Traffic Signal 7 - 7 - Flashing Beacon 8 - 8 - Stop Sign 9 - 9 - Yield Sign 10 - 10 - Lane Control Device </td> <td colspan="4"> 11 - 11 - Tagger 12 - 12 - No Parking Zone 13 - 13 - None 14 - 14 - None 15 - 15 - None 16 - 16 - None 17 - 17 - None 18 - 18 - None 19 - 19 - None 20 - 20 - None </td> <td colspan="4"> 1 - 1 - Paved Surface 2 - 2 - Broken Painted Line 3 - 3 - Solid Painted Line 4 - 4 - Concrete Barrier 5 - 5 - Metal Guard Rail 6 - 6 - Fence 7 - 7 - Fence 8 - 8 - Other Barrier </td> <td colspan="4"> 1 - 1 - One Lane 2 - 2 - Two Lanes 3 - 3 - Three Lanes 4 - 4 - Four Lanes 5 - 5 - Five Lanes 6 - 6 - Six Lanes or More </td> </tr> </table>												Victim Obscured By:				Traffic Control				Opposing Lanes Separated By:				Trafficway Lanes				1 - 1 - Buildings 2 - 2 - Signboard 3 - 3 - Trees, Crops, Bushes 4 - 4 - Blowing Snow/Sand 5 - 5 - Hillcrest 6 - 6 - Curve in Road 7 - 7 - Fog 8 - 8 - Parked Vehicle 9 - 9 - Moving Vehicle(s)				1 - 1 - Police Officer 2 - 2 - R.R. Crossing Gates 3 - 3 - R.R. Flashing Lights 4 - 4 - R.R. Cross Bunk/Pave. Mark 5 - 5 - Pedestrian Control 6 - 6 - Traffic Signal 7 - 7 - Flashing Beacon 8 - 8 - Stop Sign 9 - 9 - Yield Sign 10 - 10 - Lane Control Device				11 - 11 - Tagger 12 - 12 - No Parking Zone 13 - 13 - None 14 - 14 - None 15 - 15 - None 16 - 16 - None 17 - 17 - None 18 - 18 - None 19 - 19 - None 20 - 20 - None				1 - 1 - Paved Surface 2 - 2 - Broken Painted Line 3 - 3 - Solid Painted Line 4 - 4 - Concrete Barrier 5 - 5 - Metal Guard Rail 6 - 6 - Fence 7 - 7 - Fence 8 - 8 - Other Barrier				1 - 1 - One Lane 2 - 2 - Two Lanes 3 - 3 - Three Lanes 4 - 4 - Four Lanes 5 - 5 - Five Lanes 6 - 6 - Six Lanes or More																																																																																														
	Victim Obscured By:				Traffic Control				Opposing Lanes Separated By:				Trafficway Lanes																																																																																																																														
1 - 1 - Buildings 2 - 2 - Signboard 3 - 3 - Trees, Crops, Bushes 4 - 4 - Blowing Snow/Sand 5 - 5 - Hillcrest 6 - 6 - Curve in Road 7 - 7 - Fog 8 - 8 - Parked Vehicle 9 - 9 - Moving Vehicle(s)				1 - 1 - Police Officer 2 - 2 - R.R. Crossing Gates 3 - 3 - R.R. Flashing Lights 4 - 4 - R.R. Cross Bunk/Pave. Mark 5 - 5 - Pedestrian Control 6 - 6 - Traffic Signal 7 - 7 - Flashing Beacon 8 - 8 - Stop Sign 9 - 9 - Yield Sign 10 - 10 - Lane Control Device				11 - 11 - Tagger 12 - 12 - No Parking Zone 13 - 13 - None 14 - 14 - None 15 - 15 - None 16 - 16 - None 17 - 17 - None 18 - 18 - None 19 - 19 - None 20 - 20 - None				1 - 1 - Paved Surface 2 - 2 - Broken Painted Line 3 - 3 - Solid Painted Line 4 - 4 - Concrete Barrier 5 - 5 - Metal Guard Rail 6 - 6 - Fence 7 - 7 - Fence 8 - 8 - Other Barrier				1 - 1 - One Lane 2 - 2 - Two Lanes 3 - 3 - Three Lanes 4 - 4 - Four Lanes 5 - 5 - Five Lanes 6 - 6 - Six Lanes or More																																																																																																																											
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="4">Light</td> <td colspan="4">Weather</td> <td colspan="4">Locale</td> <td colspan="4">Non-Vehicular Property Damage</td> </tr> <tr> <td colspan="4"> 1 - Daylight 2 - Dawn 3 - Dusk 4 - Darkness—Road Not Lit 5 - Darkness—Road Lit </td> <td colspan="4"> 1 - Clear 2 - Cloudy 3 - Rain 4 - Snow 5 - Sleet/Mist 6 - Drizzle/Fog 7 - Fog 8 - Other </td> <td colspan="4"> 1 - Open Country 2 - Residential 3 - Shop or Business 4 - Mfg. or Industrial 5 - School 6 - Playground 7 - Other </td> <td colspan="4"> 1 - None Visible 2 - Ugly 3 - Moderate 4 - Severe </td> </tr> </table>												Light				Weather				Locale				Non-Vehicular Property Damage				1 - Daylight 2 - Dawn 3 - Dusk 4 - Darkness—Road Not Lit 5 - Darkness—Road Lit				1 - Clear 2 - Cloudy 3 - Rain 4 - Snow 5 - Sleet/Mist 6 - Drizzle/Fog 7 - Fog 8 - Other				1 - Open Country 2 - Residential 3 - Shop or Business 4 - Mfg. or Industrial 5 - School 6 - Playground 7 - Other				1 - None Visible 2 - Ugly 3 - Moderate 4 - Severe																																																																																																			
Light				Weather				Locale				Non-Vehicular Property Damage																																																																																																																															
1 - Daylight 2 - Dawn 3 - Dusk 4 - Darkness—Road Not Lit 5 - Darkness—Road Lit				1 - Clear 2 - Cloudy 3 - Rain 4 - Snow 5 - Sleet/Mist 6 - Drizzle/Fog 7 - Fog 8 - Other				1 - Open Country 2 - Residential 3 - Shop or Business 4 - Mfg. or Industrial 5 - School 6 - Playground 7 - Other				1 - None Visible 2 - Ugly 3 - Moderate 4 - Severe																																																																																																																															
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="4">Time Police Notified</td> <td colspan="4">Time Police Arrived</td> <td colspan="4">Time EMS Arrived</td> <td colspan="4">Name of Photographer</td> </tr> <tr> <td colspan="4">7:25 PM</td> <td colspan="4">7:30 PM</td> <td colspan="4"></td> <td colspan="4"></td> </tr> <tr> <td colspan="4">Witness Full Name</td> <td colspan="4">Address</td> <td colspan="4">Telephone</td> <td colspan="4"></td> </tr> <tr> <td colspan="4">Witness Full Name</td> <td colspan="4">Address</td> <td colspan="4">Telephone</td> <td colspan="4"></td> </tr> <tr> <td colspan="4">Name of Investigating Officer</td> <td colspan="4">Officer ID</td> <td colspan="4">Agency ORI</td> <td colspan="4">Supervisor Reviewed</td> </tr> <tr> <td colspan="4">Sgt. C.W. Emfinger</td> <td colspan="4">914</td> <td colspan="4">AL0290100</td> <td colspan="4">914</td> </tr> <tr> <td colspan="4">Name of Other Investigating Officer(s) at Scene</td> <td colspan="4">Officer ID</td> <td colspan="4">Agency ORI</td> <td colspan="4"></td> </tr> <tr> <td colspan="4"></td> <td colspan="4"></td> <td colspan="4"></td> <td colspan="4"></td> </tr> </table>												Time Police Notified				Time Police Arrived				Time EMS Arrived				Name of Photographer				7:25 PM				7:30 PM												Witness Full Name				Address				Telephone								Witness Full Name				Address				Telephone								Name of Investigating Officer				Officer ID				Agency ORI				Supervisor Reviewed				Sgt. C.W. Emfinger				914				AL0290100				914				Name of Other Investigating Officer(s) at Scene				Officer ID				Agency ORI																							
Time Police Notified				Time Police Arrived				Time EMS Arrived				Name of Photographer																																																																																																																															
7:25 PM				7:30 PM																																																																																																																																							
Witness Full Name				Address				Telephone																																																																																																																																			
Witness Full Name				Address				Telephone																																																																																																																																			
Name of Investigating Officer				Officer ID				Agency ORI				Supervisor Reviewed																																																																																																																															
Sgt. C.W. Emfinger				914				AL0290100				914																																																																																																																															
Name of Other Investigating Officer(s) at Scene				Officer ID				Agency ORI																																																																																																																																			
The data on this report reflects my best knowledge, opinion and belief concerning the accident, but no warrant is made as to the factual accuracy thereof. Signature of Investigating Officer: <u>Sgt. C.W. Emfinger</u> Date: <u>11/23/2005</u>																																																																																																																																											

2/2

051101181

557750

The diagram illustrates a road intersection. A horizontal road on the left has two lanes with traffic flow indicated by arrows pointing right. A vertical road on the right has two lanes with traffic flow indicated by arrows pointing up. A third lane branches off from the horizontal road towards the vertical road. A line points to a specific location on the vertical road, labeled "Point of Impact". Various symbols are placed along the roads: a circle with a triangle and a circle with a minus sign on the horizontal road; a circle with a triangle and a circle with a minus sign on the vertical road; and a circle with a triangle and a circle with a minus sign on the branching lane. A north arrow is located in the bottom right corner of the diagram area.

Diagram Not to Scale Diagram Scale 1 inch =	(20 feet) (10 feet)	Location U.S. 231 North	Time 7:25	A.M. P.M. MT.
Signature of Reporting Officer(s) Sgt. C.W. Engling		Officer ID 914	Reporting Police Agency ORI AL0290100	
			Month 11	Day 23
			Year 2005	


IN THE CIRCUIT COURT OF LOWNDES COUNTY, ALABAMA

SONIA R. HAMMOCK,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action Number: CV-07-47
	)	
NELL E. LAMB and TODD SWING,	)	
et al.,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

COMES NOW the defendant, Todd Swing, and hereby notifies the parties in the above-styled action and the Clerk of the Circuit Court of Baldwin County, Alabama, in accordance with the provisions of 28 U.S.C. §1446, of the filing of the Notice of Removal in the United States District Court of the Middle District of Alabama, Northern Division, of the civil action styled as Sonia Hammock v. Nell E. Lamb and Todd Swing, et al., Civil Action Number CV-07-47. A copy of the Notice of Removal is attached and hereby filed with the Clerk of the Circuit Court of Lowndes County, Alabama.

This the 26 day of September, 2007.



R. Larry Bradford, Attorney for Defendant,  
Todd Swing  
Attorney Bar Code: BRA039

OF COUNSEL:

Bradford & Sears, P.C.  
2020 Canyon Road  
Suite 100  
Birmingham, AL 35216

EXHIBIT 3

**CERTIFICATE OF SERVICE**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

SONIA R. HAMMOCK,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action Number:
	)	
NELL E. LAMB and TODD SWING,	)	
et al.,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

COMES NOW the defendant, Todd Swing ("Swing"), and files this Notice of Removal of this case from the Circuit Court of Lowndes County, Alabama, in which it is now pending to the United States District Court for the Middle District of Alabama, Northern Division, and shows unto the court the following:

I.

This case was commenced in the Circuit Court of Lowndes County, Alabama on September 11, 2007, and is now pending in that court.

II.

This case is a civil action for damages arising out of a motor vehicle accident which occurred on November 23, 2005 in Elmore County, Alabama.

III.

This action is one of a civil nature over which the District Courts of the United States have original jurisdiction because of diversity of citizenship and the amount in controversy.

IV.

The matter in dispute exceeds the sum of \$75,000, exclusive of interest and costs, as will more fully appear by the plaintiff's complaint which is attached as Exhibit "A". The plaintiff is seeking an unspecified amount of compensatory and punitive damages. She underwent surgery for her shoulder injury which she claims that she received in this accident. Her last settlement demand was in excess of \$75,000.

V.

The plaintiff, Sonia Hammock, was at the time of the commencement of this action, and now is, a resident citizen of Alabama. She lives in Elmore County, Alabama

VI.

The defendant, Nell E. Lamb ("Lamb"), has now been served with the complaint while visiting her mother in Alabama. However, she was at the time of the commencement of this action, and now is, a resident citizen of the state of Michigan. Lamb will consent to joining in this notice of removal.

The defendant Swing was at the time of the commencement of this action and is now a resident citizen of the state of Michigan.

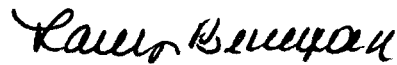
VII.

The petition is timely filed with this Court pursuant to 28 U.S.C. §1446(b). Swing has agreed that his attorney can file an answer to the complaint and notice of removal without the necessity of formal service of process upon him.

VIII.

A copy of this Notice of Removal will be filed with the clerk of the Circuit Court of Lowndes County, Alabama in accordance with 28 U.S.C. §1446(d).

Swing requests that this Court will take jurisdiction of this case and will issue all necessary orders and process in order to remove the case from the Circuit Court of Lowndes County, Alabama, to the United States District Court for the Northern Division of the Middle District of Alabama.



---

R. Larry Bradford, Attorney for Defendant,  
Todd Swing  
Attorney Bar Code: ASB-8038-F64R


OF COUNSEL:

Bradford & Sears, P.C.  
2020 Canyon Road  
Suite 100  
Birmingham, AL 35216

**CERTIFICATE OF SERVICE**

I hereby certify that I have this the 26 day of September, 2007 served a copy of the foregoing to all attorneys of record by electronically filing and/or placing a copy of same in the United States Mail, postage prepaid and properly addressed as follows:

Tedford Taylor, Esq.  
Taylor & Taylor  
2130 Highland Avenue  
Birmingham, AL 35205

  
\_\_\_\_\_  
OF COUNSEL



## **EXHIBIT “A”**

IN THE CIRCUIT COURT OF LOWNDES COUNTY, ALABAMA

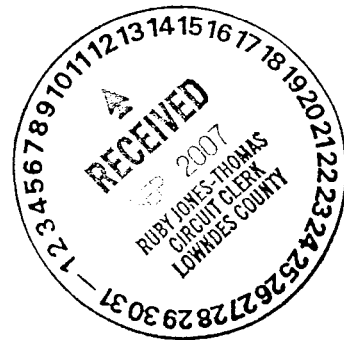
SONIA R. HAMMOCK,

Plaintiff,

vs.

CIVIL ACTION NO: \_\_\_\_\_

NELL E. LAMB, an individual;  
TODD SWING, an individual;  
DEFENDANTS A, B and C,  
whether singular or plural,  
that person, firm or  
corporation owning the vehicle)  
being driven by NELL E. LAMB,  
on the occasion made the basis)  
of this suit; FICTITIOUS  
DEFENDANTS D, E and F, whether)  
singular or plural, that  
person, firm or corporation  
on whose behalf the vehicle  
was being driven by NELL E.  
LAMB on the occasion made  
the basis of this lawsuit;  
FICTITIOUS DEFENDANTS G, H  
and I, whether singular or  
plural, that person, firm  
or corporation who or which  
insured the Plaintiff under  
a policy of uninsured and/or  
underinsured motorist coverage)  
on the occasions made the  
basis of this lawsuit;  
FICTITIOUS DEFENDANTS J, K  
and L, whether singular or  
plural, that person, firm or  
corporation who or which  
negligently entrusted the  
vehicle to NELL E. LAMB on  
the occasion made the basis  
of this lawsuit; FICTITIOUS  
DEFENDANTS M, N and O,  
whether singular or plural,  
that person who is the  
true and correct name of the  
Defendants known as NELL E.  
LAMB, TODD SWING and/or



FICTITIOUS DEFENDANTS P, Q )  
 and R, whether singular or )  
 plural, that person, firm or )  
 corporation who or which sold, )  
 provided, served or otherwise )  
 dispensed alcoholic beverages )  
 to Defendant NELL E. LAMB )  
 prior to the collision made )  
 the basis of this lawsuit; )  
 FICTITIOUS DEFENDANTS S, T )  
 and U, whether singular or )  
 plural, that person, firm or )  
 corporation whose negligence, )  
 wantonness, willfulness and/or )  
 otherwise wrongful conduct )  
 caused the collision made the )  
 basis of this lawsuit, )  
 )  
 )  
 Defendants. )



COMPLAINT

1. Plaintiff, SONIA R. HAMMOCK (hereinafter "Plaintiff" or "HAMMOCK"), is an adult resident citizen of Elmore County, Alabama.

2. Defendant NELL E. LAMB (hereinafter "LAMB") is an adult and at all times relevant to the Complaint was a resident of Lowndes County, Alabama.

3. Defendant TODD SWING (hereinafter "SWING") is an adult and at all times relevant to the Complaint was a resident of Lowndes County, Alabama.

4. FICTITIOUS DEFENDANTS A, B, and C, whether singular or plural, is that person, firm or corporation owning the vehicle being driven by NELL E. LAMB on the occasion made the basis of this suit; FICTITIOUS DEFENDANTS D, E and F, whether singular or plural, is that person, firm or corporation on whose behalf the vehicle was

being driven by NELL E. LAMB on the occasion made the basis of this lawsuit; FICTITIOUS DEFENDANTS G, H and I, whether singular or plural, is that person, firm or corporation who or which insured the Plaintiff under a policy of uninsured and/or undersinsured motorist coverage on the occasion made the basis of this lawsuit; FICTITIOUS DEFENDANTS J, K and L, whether singular or plural, is that person, firm or corporation who or which negligently entrusted the vehicle to NELL E. LAMB on the occasion made the basis of this lawsuit; FICTITIOUS DEFENDANTS M, N and O, whether singular or plural, is that person, firm or corporation who or which is the true and correct name of the Defendants herein known as NELL E. LAMB, TODD SWING and/or FICTITIOUS DEFENDANTS; FICTITIOUS DEFENDANTS P, Q and R, whether singular or plural, is that person, firm or corporation who or which sold, provided, served or otherwise dispensed alcoholic beverages to Defendant NELL E. LAMB prior to the incident made the basis of this lawsuit; FICTITIOUS DEFENDANTS S, T and U, whether singular or plural, is that person, firm or corporation whose negligence, wantonness, willfulness and/or otherwise wrongful conduct caused the collision made the basis of this lawsuit. The aforesaid wrongful conduct of said FICTITIOUS DEFENDANTS proximately caused damage to Plaintiff as set forth herein. The identities of the FICTITIOUS DEFENDANTS are otherwise unknown to Plaintiff at this time, or if their names are known to Plaintiff at this time, their identities as proper party

Defendants are not known to Plaintiff at this time, but their true names will be substituted by amendment when ascertained.

**COUNT ONE**

1. On or about November 23, 2005, on U.S. Highway 231, near Tutwiler Prison, on the outskirts of Wetumpka, Elmore County, Alabama, Defendant NELL E. LAMB negligently and/or wantonly caused or allowed the motor vehicle she was operating to collide with the motor vehicle being driven by the Plaintiff.

2. Defendant TODD SWING, and/or FICTITIOUS DEFENDANTS entrusted to Defendant NELL E. LAMB the vehicle being operated by NELL E. LAMB at the time of the collision made the basis of this lawsuit.

3. As a proximate consequence of the negligence and/or wantonness of Defendant(s), Plaintiff was caused to suffer, among other things, the following injuries and damages: she was injured in and about her body, including but not limited to, injury to her shoulder and rotator cuff requiring surgery and painful physical therapy; she incurred medical bills; and, she has suffered physical pain and suffering, mental anguish and emotional distress and other damages, losses and impairments. Some or all of said damages and losses are permanent in nature or are otherwise expected to continue in the future.

WHEREFORE, Plaintiff demands judgment including compensatory and punitive damages against Defendants NELL E. LAMB, TODD SWING

and/or FICTITIOUS DEFENDANTS, in an amount exceeding the jurisdictional minimum of this Court, plus interest and costs.

COUNT TWO

1. Plaintiff realleges the allegations contained in each and every Count of this Complaint.

2. Plaintiff claims damages against Defendant SWING and/or FICTITIOUS DEFENDANTS for negligently entrusting the motor vehicle to Defendant NELL E. LAMB, on November 23, 2005, the date of the collision made the basis of this lawsuit.


3. Plaintiff avers that on November 23, 2005, on U.S. Highway 231, near Tutwiler Prison, on the outskirts of Wetumpka, Elmore County, Alabama, as proximate result of the aforementioned negligent entrustment, Defendant LAMB was in possession and control of Defendant SWING'S and/or FICTITIOUS DEFENDANTS' motor vehicle when she pulled out in front of Plaintiff.

4. Plaintiff avers that Defendant LAMB was incompetent and/or reckless in the operation of the motor vehicle; and Defendant LAMB so negligently and/or wantonly operated the negligently entrusted motor vehicle that she caused said vehicle to collide with the motor vehicle being operated by Plaintiff.

5. Defendant SWING knew, or should have known, of Defendant LAMB'S incompetency, inexperience, and/or recklessness, at all times relevant to the underlying circumstances of this lawsuit, which created an appreciable risk of harm.

6. As a proximate cause of the negligence and/or wantonness of Defendant LAMB, combined with the negligent entrustment of the vehicle, Plaintiff was caused to suffer injuries and damages as previously set forth herein.


WHEREFORE, Plaintiff demands judgment against Defendants, including FICTITIOUS DEFENDANTS, in an amount exceeding the jurisdictional minimum of this Court, plus interest and costs.

  
TEDFORD TAYLOR (TAY071)  
Attorney for Plaintiff

OF COUNSEL

TAYLOR & TAYLOR  
2130 Highland Avenue  
Birmingham, AL 35205  
(205) 558-2800 - telephone  
(205) 558-2860 - facsimile

**Plaintiff demands a trial by struck jury.**

  
TEDFORD TAYLOR

DEFENDANTS' ADDRESSES

NELL E. LAMB  
Post Office Box 61  
Lowndesboro, Alabama 36752-0061

TODD SWING  
Post Office Box 61  
Lowndesboro, Alabama 36752-0061

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

SONIA R. HAMMOCK,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action Number:
	)	
NELL E. LAMB and TODD SWING,	)	
et al.,	)	
	)	
Defendants.	)	

**JOINDER IN REMOVAL**

COMES NOW the defendant, Nell E. Lamb, pursuant to 28 U.S.C. § 1446, and joins  
in the notice of removal filed by the defendant, Todd Swing, in this case.



R. Larry Bradford, Attorney for Defendant,  
Nell E. Lamb  
Attorney Bar Code: ASB-8038-F64R

OF COUNSEL:

Bradford & Sears, P.C.  
2020 Canyon Road  
Suite 100  
Birmingham, AL 35216



**CERTIFICATE OF SERVICE**

I hereby certify that I have this the 20 day of September, 2007 served a copy of the foregoing to all attorneys of record by electronically filing and/or placing a copy of same in the United States Mail, postage prepaid and properly addressed as follows:

Tedford Taylor, Esq.  
Taylor & Taylor  
2130 Highland Avenue  
Birmingham, AL 35205



---

OF COUNSEL

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

SONIA R. HAMMOCK,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action Number:
	)	
NELL E. LAMB and TODD SWING,	)	
et al.,	)	
	)	
Defendants.	)	

**ANSWER OF DEFENDANT, NELL E. LAMB ("LAMB")**

First Defense

Lamb denies each and every material allegation of the complaint. She demands strict proof thereof.

Second Defense

Lamb specifically denies that she was guilty of any wantonness as alleged in the complaint. She denies that she was guilty of the type conduct required for the imposition of punitive damages under Alabama law. She demands clear and convincing evidence of such wrongful conduct.

Third Defense

Lamb denies that the plaintiff is entitled to recover the items and amounts of damages alleged in the complaint. She demands strict proof thereof.

Fourth Defense

Lamb reserves the right to amend her answer to raise additional or different defenses upon completion of further investigation and discovery.



R. Larry Bradford, Attorney for Defendant,  
Nell E. Lamb  
Attorney Bar Code: ASB-8038-F64R

OF COUNSEL:

Bradford & Sears, P.C.  
2020 Canyon Road  
Suite 100  
Birmingham, AL 35216  
(205) 871-7733

**CERTIFICATE OF SERVICE**

I hereby certify that I have this the 28 day of September, 2007 served a copy of the foregoing to all attorneys of record by electronically filing and/or placing a copy of same in the United States Mail, postage prepaid and properly addressed as follows:

Tedford Taylor, Esq.  
Taylor & Taylor  
2130 Highland Avenue  
Birmingham, AL 35205



OF COUNSEL

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

SONIA R. HAMMOCK,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action Number:
	)	
NELL E. LAMB and TODD SWING,	)	
et al.,	)	
	)	
Defendants.	)	

**ANSWER OF DEFENDANT, TODD SWING ("SWING")**

First Defense

Swing denies each and every material allegation of the complaint. He demands strict proof thereof.

Second Defense

Swing specifically denies that he was guilty of any wantonness as alleged in the complaint. He denies that he was guilty of the type conduct required for the imposition of punitive damages under Alabama law. He demand clear and convincing evidence of such wrongful conduct.

Third Defense

Swing denies that Nell E. Lamb was an incompetent driver or that he negligently entrusted his automobile to her. He demands strict proof thereof.

Fourth Defense

Swing denies that the plaintiff is entitled to recover the items and amounts of damages alleged in the complaint. He demands strict proof thereof.

Fifth Defense

Swing reserves the right to amend his answer to raise additional or different defenses in accordance with the court's scheduling order.



R. Larry Bradford, Attorney for Defendant,  
Todd Swing  
Attorney Bar Code: ASB-8038-F64R

OF COUNSEL:

Bradford & Sears, P.C.  
2020 Canyon Road  
Suite 100  
Birmingham, AL 35216

CERTIFICATE OF SERVICE

I hereby certify that I have this the 26 day of September, 2007 served a copy of the foregoing to all attorneys of record by electronically filing and/or placing a copy of same in the United States Mail, postage prepaid and properly addressed as follows:

Tedford Taylor, Esq.  
Taylor & Taylor  
2130 Highland Avenue  
Birmingham, AL 35205



OF COUNSEL

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

SONIA R. HAMMOCK,	\$	
	\$	
Plaintiff,	\$	
	\$	
	\$	
v.	\$	CIVIL ACTION NO.
	\$	07-CV-00896-WHA-TFM
NELL E. LAMB and TODD SWING,	\$	
et al.,	\$	
	\$	
Defendants.	\$	

**AFFIDAVIT OF TOBY HORNE**

STATE OF ALABAMA     )  
                              :  
JEFFERSON COUNTY     )

COMES NOW Toby Horne, being duly sworn, and deposes and states the following:

1. I am over the age of nineteen years.
2. I am employed by Central Alabama Investigations as an investigator and process server, was hired by Taylor and Taylor regarding the above referenced case, and have personal knowledge of the facts set forth in this affidavit.
3. Central Alabama Investigations maintains a post office box at: P.O. BOX 240831, Montgomery, Alabama, 36124.
3. On September 24, 2007, around 10:00 a.m., I served Defendant Nell E. Lamb at 120 Lost Trail, Lowndesboro, Alabama, with a Summons and Complaint in the above referenced case.

4. The woman who answered the door stated that she was Defendant Lamb's mother, that Defendant went by the name Elaine, and that Defendant Lamb was asleep because she worked as a nurse.


5. Shortly thereafter, an alarm clock went off and Defendant Lamb came into the room, where I served her with the Summons and Complaint in the above referenced case.

6. Defendant Lamb then gave me Defendant Todd Swing's information in Michigan, stating that it was Defendant Swing's mother's address, but that he was currently living on her property.

7. Defendant Lamb's mother also stated that she and Defendant Lamb were planning on moving to Michigan, but were going to maintain the residence at 120 Lost Trail, Lowndesboro, Alabama.

  
TOBY HORNE

Sworn to and subscribed before me this the 18<sup>th</sup> day of October, 2007.

  
Notary Public  
My commission expires  
NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: June 19, 2011  
BONDED THROUGH NOTARY PUBLIC UNDERWRITERS